

## A. Introduction

### Page A-1, under A.1 Agency Use of this Document —

The California State Lands Commission (CSLC) is the Lead Agency for California Environmental Quality Act (CEQA) compliance in evaluation of ~~Santa Fe Pacific Partners~~ SFPP, LP's<sup>1</sup> (SFPP or "the Applicant") proposed Concord to Sacramento Pipeline Project, and has directed the preparation of this EIR. This EIR will be used by the CSLC, in conjunction with other information developed in the CSLC's formal record, to act on SFPP's application for a lease of State lands for construction and operation of the Proposed Project. Under CEQA requirements, the CSLC will determine the adequacy of the Final EIR and, if adequate, will certify the document as complying with CEQA. The CSLC will also act on SFPP's application. In accordance with CEQA, if the approved project has significant unmitigated impacts, CSLC must state why the project can be approved in a "Statement of Overriding Considerations," which is included in the CSLC's certification of the EIR and decision on the application.

### Page A-1, Table A-1 —

Table A-1. Permits Required

Agency	Permit	Jurisdiction / Purpose
<b>FEDERAL AGENCIES</b>		
U.S. Fish and Wildlife Service (USFWS)	Section 7 Consultation (Endangered Species Act)	Threatened and Endangered Species Biological Opinion, Section 404 Permit
	Fish and Wildlife Coordination Act (FWCA)	Grant of right-of-way by Federal Land Policy and Management Act (FLPMA) involving aquatic habitats
Advisory Council on Historic Preservation	Section 106 of the National Historic Preservation Act (NHPA) Review (through U.S. Army Corp of Engineer's review process)	Project activities that will affect register eligible prehistoric or historic resources subject to federal protection requirements
U.S. Department of Defense, Army Corps of Engineers	Section 404 of the Clean Water Act Permit (Stream Crossings) and Easement	Pipeline construction across rivers, streams and wetlands
<u>National Marine Fisheries Service, NOAA Fisheries</u>	<u>Endangered Species Act Consultations with U.S. Army Corps of Engineers</u>	<u>Pipeline construction across rivers, streams and wetlands</u>
<b>STATE AGENCIES</b>		
Yolo-Solano Air Quality Management District	None	Air emission reduction and monitoring
Bay Area Air Quality Management District	None	Air emission reduction and monitoring
CA Department of Fish and Game	Compliance with CA Endangered Species Act	Pipeline and ancillary facilities construction
	Stream Alteration Agreement (1603)	Alteration of the natural state of any stream
	Discretionary Easement, Lease or License Agreement	Crossing of Cordelia Slough Wildlife Area
CA Department of Transportation (Caltrans)	Encroachment Permit (Crossing of State Highways)	Crossing of highways in California; encroachment by pipeline within, under, or over state highway right-of-ways

<sup>1</sup> SFPP is an operating partnership of Kinder Morgan Energy Partners, L.P. (KMP).

Table A-1. Permits Required, *cont.*

Agency	Permit	Jurisdiction / Purpose
CA State Lands Commission	CEQA Compliance	Construction, operation, and maintenance row on school lands and most river crossings
	Land Use Lease	Crossing of State Lands
CA State Water Resources Control Board, Regional Board (CSWRCB)	National Pollutant Discharge Elimination System (NPDES) Permit	Discharge of hydrostatic test water into any surface waters of the state
	Report of Waste Discharge	Discharge of hydrostatic test waters and ditch dewatering onto lands, dry water courses, or lakebeds, especially if the test water is contaminated with pollutants of concern to the regional board. If the test water is not contaminated and will be disposed of in a manner that reduces or eliminates soil erosion, this permit may not be required.
	Water Discharge Permits	Discharge of water (e.g., for hydrostatic testing, ditch dewatering)
	CWA 401 Water Quality Certification	Discharge into State waters
CSWRCB, Division of Water Rights	Temporary Permit to Appropriate Water	Would be required to divert water from a surface stream or other body of water (e.g., for hydrostatic testing)
State Office of Historic Preservation	State Level Review of Section 106 Compliance	Project activities that will affect register eligible prehistoric or historic resources subject to federal protection requirements
San Francisco Bay Conservation and Development Commission	Administrative Permit for Primary Marsh	If development occurs in the San Francisco Bay or Suisun Marsh within specified zones
CA Wildlife Conservation Board	Discretionary Common Use Agreement	Crossing of Yolo Bypass Wildlife Preservation area.
CA Department of Water Resources, Board of Reclamation	Flood Control Permit	For several water crossings
	Temporary Permit to Appropriate Waters from Surface Stream	Would be required to divert water from a surface stream or other body of water (e.g., for hydrostatic testing)
<b>LOCAL OR REGIONAL AGENCIES</b>		
Central Contra Costa County Flood Control and Water Conservation District	Ministerial Encroachment Permits, Land Rights or License Agreement, and Discretionary Permits	For several water crossings in the county work within District properties and rights of way
Central Contra Costa Sanitary District	Discretionary Easement, Lease or License Agreement	Pipeline travels through Sanitary District property
Contra Costa County	Discretionary Franchise Agreement	Construction of pipeline in county streets
	Encroachment Permit	Crossing of county streets and drainage facilities
East Bay Regional Parks District	Discretionary Easement	Construction of pipeline in Waterbird Regional Preserve
	Encroachment Permit	Construction of pipeline in Waterbird Regional Preserve
City of Martinez	Ministerial Encroachment Permit	Crossing of city streets
	Conditional Use Permit	Required for conformance with city zoning ordinance
City of Benicia	Discretionary Franchise Agreement	Construction of pipeline in city streets
	Encroachment Permit	Crossing of city streets
Caltrans District 4	Ministerial Encroachment Permit	Crossing of highway ROWs
Solano County	Discretionary Franchise Agreement	Crossing of county streets
	Encroachment Permit	Crossing of county streets
	Secondary Marsh Development Permit	Crossing of marshland
	Business Plan	Inventory of hazardous material use or storage

Table A-1. Permits Required, *cont.*

Agency	Permit	Jurisdiction / Purpose
	<u>Conditional Use Permit</u>	<u>Construction of pipeline outside of currently permitted pipeline right of way</u>
Solano County Water Agency	Ministerial Encroachment Permit	For several water crossings in the county
City of Fairfield	Discretionary Franchise Agreement	Construction of a pipeline in city streets
	Encroachment Permit	Crossing of city streets <u>or Fairfield-Suisun Sewer District facilities</u>
	Secondary Marsh Development Permit	Crossing of marshland
	<u>Conditional Use Permit</u>	<u>Construction of pipeline within private property in city</u>
<u>Fairfield-Suisun Sewer District</u>	<u>Encroachment Agreement</u>	<u>For work within district properties or rights of way</u>
City of Suisun City	Discretionary Franchise Agreement	Construction of pipeline in city streets
	Encroachment Permit	Crossing of city streets
Maine Prairie Water District	Ministerial Encroachment Permit	For several water crossings
Reclamation District 2068	Ministerial Encroachment Permit	For several water crossings
<u>Dixon Resource Conservation District</u>	<u>Encroachment Permit</u>	<u>Crossing of drainage facilities</u>
Yolo County	Encroachment Permit	Crossing of county streets
	<u>Business Plan</u>	<u>Inventory of hazardous material use or storage</u>
	Conditional Use Permit	Required for conformance with county zoning ordinance <u>and consistency with City of Davis "City-County Pass-Through Agreement"</u>
Reclamation District 900	Discretionary Easement, Lease or License Agreement	Crossing of Reclamation District property
Sacramento/Yolo Port District	Discretionary Easement, Lease or License Agreement	Crossing of Port District property
	Ministerial Encroachment Permit	Water crossing
City of West Sacramento	Modification of Existing Discretionary Franchise Agreement	Construction of pipeline in city streets
	Encroachment Permit	Crossing of city streets
	<u>Conditional Use Permit</u>	<u>Construction of pipeline within the city</u>